

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

MITCHELL PARRISH,

Plaintiff-Petitioner,

vs.

ENDURANCE DEALER SERVICES,
LLC d/b/a ENDURANCE
WARRANTY SERVICES, LLC,

Defendant-Respondent.

CV 24–78–M–DWM

ORDER

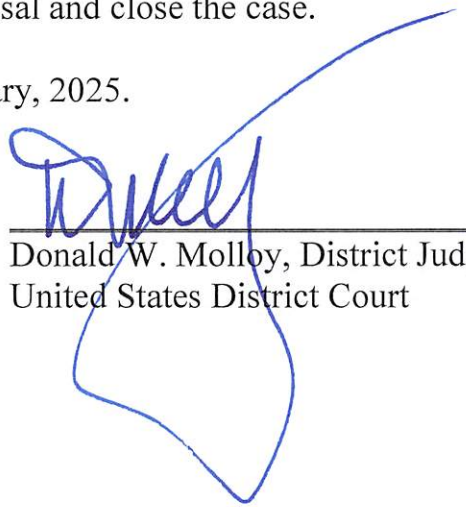
On June 4, 2024, Plaintiff-Petitioner Mitchell Parrish petitioned to confirm an arbitral award issued in Arbitration Case No. 01-22-0002-4335 (the “Award”) and enter judgment against Defendant-Respondent Endurance Dealer Services, LLC d/b/a Endurance Warranty Services, LLC¹ (“Endurance”) pursuant to Section 9 of the Federal Arbitration Act (“FAA”). (Doc. 1); 9 U.S.C. § 9. The underlying dispute arises out of a vehicle services contract provided by Endurance. (*Id.*) In response, Endurance filed a motion to vacate the Award. (Doc. 4.) On October 18, 2024, Parrish moved once again to confirm the arbitral award and enter judgment against Endurance. (Doc. 29.) Following a motion hearing held on

¹ Endurance Dealer Services, LLC was incorrectly sued as Endurance Dealer Services, LLC d/b/a Endurance Warranty Services, LLC.

December 17, 2024, the Court provided Parrish with leave to amend his petition to correct its jurisdictional deficiency and properly plead subject matter jurisdiction. (Doc. 46.) Parrish then amended the basis for jurisdiction. (Doc. 47.) In response, Endurance again moved to vacate the petition. (Doc. 51.) The Court provided Parrish with 120 days to undertake the jurisdictional discovery necessary to establish the presence of diversity jurisdiction. (Doc. 52.) Now, Parrish moves unopposed to dismiss the above-captioned action without prejudice. (Doc. 53.)

Accordingly, IT IS ORDERED that Parrish's motion is GRANTED and the above-captioned case is DISMISSED WITHOUT PREJUDICE. All pending motions are DENIED as MOOT and all deadlines are VACATED. The Clerk is directed to enter a judgment of dismissal and close the case.

DATED this 24th day of February, 2025.



Donald W. Molloy, District Judge
United States District Court